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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON AT TACOMA
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10 EVERGREEN PROFESSIONAL PLAZA
11 LLC, a Washington limited liability company,

12 Plaintiff,

13 vs

14 KEYBANK NATIONAL ASSOCIATION, a
15 national banking association; FIRST AMERICAN
16 TITLE INSURANCE COMPANY,

Defendants.

CASE NO. C08-5425BHS

ORDER OF DISMISSAL

17 Counsel having notified the Court of the settlement of this case, and it appearing that no issue remains
18 for the Court's determination,

19 IT IS ORDERED that this action and all claims asserted herein are **DISMISSED** without prejudice and
20 without fees or costs to any party.

21 In the event that the settlement is not perfected, any party may move to reopen the case, provided that
22 such motion is filed within *ninety (90)* days of the date of this Order. Any trial date and/or pretrial dates
23 previously set are hereby **VACATED**.

24 IT IS SO ORDERED this 22dn day of January 2009.

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28 BENJAMIN H. SETTLE
United States District Judge